
CHIROPORACTICE ART IN JAIL

Sheriff Frank Barnet is a stickler for observance of law. He not only is paid to demand it of others, but he wants it personally.

And though two chiropractors confined in the Hotel de Barnet, otherwise called the county jail, are practicing a profession there which the state medical board interrupts when they do it on the outside, the sheriff is just as law-abiding about it as ever.

Linden D. McCash of Berkeley and J. E. Shahzade, Persian chiropractor of San Leandro, are serving sentences of fifty days each for practicing the art of healing without a license. In the meantime they are working with great success on the spines and other portions of the prisoners' anatomy. But because they do not accept pay the law has no objection to offer. And the health of the prisoners is said to have improved wonderfully.

The law recognizes only certain schools as entitled to practitioners' licenses for their graduates. McCash and Shahzade graduated long before the law was passed from schools not included in the list of favored ones. They declare they have no method of securing licenses.

Journal of Chiropractic Humanities



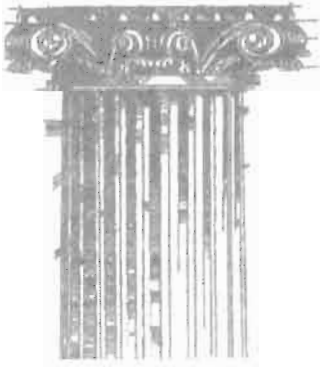
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THE NATIONAL COLLEGE
OF CHIROPRACTIC

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"Being here is sometimes like a bad dream...but (I'd throw) my shoulders back and be ready and willing to make any sacrifice to help free our beloved science."

-Katherine Scallon

from Women's House
of Detention, 1949

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"GO TO JAIL FOR CHIRO"



hen Daniel David Palmer was escorted to a cell in the old Scott County Jail in Davenport on the morning of March 28, 1906, the closing of the iron doors symbolized a unique demonstration of American dissent which would continue for almost seven decades into the 20th Century.

It was appropriate that The Founder would be the first to go to jail for practicing his new healing art, and in a sense remarkable that more than a decade had passed since he held himself out as more than just a "magnetic," offering his services to the sick in the Davenport community. It was B. J., in fact, who was the first to be indicted by the Scott County Grand Jury on April 16, 1903 for the illegal practice of medicine. (1) The case received a continuance throughout the year, however, and apparently the District Attorney did not take any action to go to trial. (2)

In the interim of B. J.'s indictment and the trial of his father, the fortunes of the school had grown. If economic demoralization is to be applied to the early course of chiropractic, then there is a valid argument for the litigation that ran its course as the school, infirmary and chiropractic itself expanded.

The trial, conviction and jailing of D. D. Palmer was rapid, with no courtroom delays. There was also a questionable performance by the legal counsel for the Founder of Chiropractic, Con Murphy. (3) Despite his years of serving the populations of the Quad Cities

under various shingles, and the many testimonials that he published in *The Chiropractic* and in his advertisements in Davenport newspapers, no witness for the defendant was brought forth by Murphy.

The indictment itself was written in a form that would be repeated with little variation in dozens of states after the first Iowa prosecution. D. D., the County Attorney declared, had committed

"the crime of practicing medicine, surgery, and obstetrics without having procured and filed the certificate of the Board of Medical Examiners, committed as follows: The said, D. D. Palmer, on or about the first day of December, 1904, and continually since that day and up to the day of this indictment in the County Aforesaid, not being a student of medicine, surgery or obstetrics, having had two courses of lectures in a medical school of good standing and unlawfully practice medicine, surgery and obstetrics and did publicly profess to cure and heal, in Scott County in the State of Iowa, without having first obtained and filed for record in the office of the Recorder of Scott County, Iowa." (4)

The prosecution did not have to spend much time in preparing its case against Palmer. They simply called the County Recorder to testify that the senior Palmer had never filed a certificate to practice medicine, and two Davenport printers who told of the literature that they had turned out for the Ryan

Building infirmary, as well as Palmer's journal, *The Chiropractor*. The state then called what the Davenport Democrat called its "star witness":

"Miss Avis Fraser, formerly a stenographer for the Drs. Palmer. The defense sought to have her testimony stricken out on the grounds that she was a private secretary and her testimony was privileged. The judge, however, allowed it to go in," said the Democrat, adding:

"The state's case depends upon the connection of Dr. D. D. Palmer with the publication of *'The Chiropractor'*," a circular in the form of a magazine. It is alleged that in this Dr. Palmer professes to cure diseases and that, in making this claim, Dr. Palmer violated the law under which he is being tried." (5)

It is not known if DD felt that the state's star witness had betrayed him, but in the style that he was to use in his remaining years of advocacy and propagation, the senior Palmer took the stand and waxed eloquent in his defense:

Your Honor, I am pleased to have the opportunity of saying something in my defense. I have lived in Davenport twenty years. Have followed my practice unmolested. I have been interfered with six times.

The jury was not to blame for rendering the verdict they did. Behind the jury was the judge, who gave his instructions. Behind the judge was the medical law. This law was not made by the people, but by the medical profession. It was made for the purpose of protecting that profession. Not for protecting you and I.

I, as D. D. Palmer, the discoverer and developer, the originator of Chiropractic, who has brought into this city for the last twenty years from \$5,000 to \$25,000 cash to be

expended among you. I, the developer of Chiropractic feel that I have a constitutional liberty to the discovery that I have made and the people have the right to it.

When Con Murphy came in here yesterday, the assisting prosecuting attorney, he did not offer his services as prosecuting attorney. He was brought into my office, suffering excruciating pain from sciatica rheumatism, and was cured with one adjustment. It was a crime to tell it. (6)

Old Dad Chiro added to the court that what he was being charged with was "my thoughts and my ideas," evoking the actions and passions of a century and a half of the American struggle for independent assertion. He recited the motto on the seal of the State of Iowa: "Our liberties we prize and our rights we will maintain," and declared that "this I will do even if behind bars."

Chiding his own legal counsel, Palmer introduced the line of argument advanced by the prosecutor that DD was in violation of the law-because he did not ask its protection as an alternative healer under legislation which would include his practice. The osteopaths had already done so, the prosecutor noted. To which DD replied:

Now then the prosecuting attorney made a very fine finish. I anticipated it, but my attorneys did not. "Why did not Dr. D. D. Palmer seek protection from the State of Iowa?"

When you become acquainted with D. D. Palmer you will find a different kind of a man.

Osteopathy had existed 47 years before it was recognized by a single state, and then Osteopaths had only

six students. Chiropractic has been existing 10 years and last year The Palmer School of Chiropractic turned out 30 students. Among these were M. D.'s, Eclectics, Homeopaths and Osteopaths. Dr. W. W. Bailey's wife was cured of cancer of the right breast and he was man enough to pay \$500 to learn Chiropractic. He has cured Typhoid Fever with one adjustment. It is a crime for me to tell it though. The Medical Board of the State of Iowa, say it is a crime to publicly tell of any good you have done in this line. (7)

Palmer's impassioned pleas apparently held little impact on the jurors, who returned with a guilty verdict, which court officials told newspapers was the first conviction in Scott County on the charge of practicing medicine without a license. The penalty was a fine, at a minimum of \$300 and not to exceed \$500, to be paid in cash if the defendant did not wish to serve it out in jail.

D. D., with an eye toward the publicity that he knew would come from his incarceration and with an apparent belief that his release would be in a matter of days, chose to go to jail. Judge A. P. Barker of Clinton, a member of the Scott County District Court, sentenced D. D. to 105 days in jail or a fine of \$350.00. The Discoverer told the court that the Medical practice act which he had been convicted of violating was "an infamous measure...and had been made for the benefit of the doctors of medicine." (8)

Palmer's prison days proved to be good copy for the Davenport newspapers, who in the journalistic style of the time provided colorful headlines and accounts. Said the Davenport Democrat on March 27, 1906:

DR. D.D. PALMER GOES TO JAIL REFUSES TO PAY FINE & WILL SERVE 105 DAYS IN BASTILLE

Declares He will Stick with Chiropractic to the End — Clashes with the Judge.

Dr. D. D. Palmer, discoverer and founder of Chiropractic, was committed to the county jail at 10 o'clock thus starting to serve his sentence of 105 days imposed upon him by Judge Barker. The charge upon which the doctor was indicted was that of practicing medicine without a license and the ground upon which he was found guilty was that he had publicly professed to healing and curing, this clause being one interpretation of the statute.

There was a huge crowd in the courtroom when the sentence was pronounced; word having been passed around that the Doctor would offer himself as a martyr and serve out his sentence instead of paying the fine.

A visiting reporter said that Palmer's nine by eleven foot cell was notable from the others only because of "its cleanliness and an extra table, chair and typewriter." D. D., it soon became apparent, was going to use his jail time productively, and he immediately began to type out penny postcards to dozens of his graduates and associates.

In what Palmer said was his first letter typed in his cell, The Discoverer wrote to an unlikely correspondent, Solon M. Langworthy, the nemesis of both Palmers who had engineered the abortive Minnesota law and offered serious competition from his Cedar Rapids school and journal.

Palmer said that he was writing Langworthy "not as a friend of mine but that you may be able to know the situation and be able to put the boys on."

(9) The expression reflected D. D.'s belief that Langworthy had enough of a following that he would transmit the word to brother chiropractors. The later 1906 editions of The Backbone, Langworthy's journal, do not reveal anything of Palmer's plight, whose jailing was in any event being well covered by the Davenport newspapers.

Palmer told Langworthy that his wife (Mary Hudler, whom he had married in January) would visit him that day, and that "she is a Latter Day Saint, therefore knows what the first Mormons had to go through...(1) think she will be brave in a good cause." (10)

"I am pleased that it has been my lot to be incarcerated for the science which I have devoted so many years to develop," Palmer wrote. "It will do more good in advertising than for any one of our students or graduates to have been placed in the same position," commented the senior Palmer.

DD revealed that he had read his Thoreau, telling a reporter after a week in jail that "I am not in this cell for lack of principal but for an abundance of principal."

Soon readers of the Democrat were given columns by the Scott County jail's most noted prisoner, which he styled:

CHIROPRACTIC SUNBEAMS

Written by D. D. Palmer

**Founder of the School of
Chiropractic**

**He is Now Confined in Scott County
Jail Charged With Practicing
Healing Without a License.**

The judge instructed the jury that this state requires the practitioner of medicine, surgery and obstetrics shall have certain qualifications before he can practice the healing art.

This is true. But Chiropractors do not desire to practice medicine, surgery or obstetrics. Then why take a four year medical course for that purpose?

The state board requires that each applicant shall be a graduate from certain colleges which they recognize. Only a few years ago, there were two medical schools in Keokuk. Only one of which was recognized by the state examining board of Iowa. Some of our readers will remember the law suits for supremacy and equal rights.

Such requirements are no more just than it would be for the state to demand that all ministers should take a course of four years in a certain theological school before the applicant be allowed to preach the doctrines of another sect whose views were dramatically opposite. By the time the student had taken a Catholic course for four years, the student would be so warped in his education, that he would be unfit for a Methodist, or vice versa...

There is not a medical practitioner in Iowa who could pass the examination in anatomy as required by The Palmer School of Chiropractic. Medical students put in about six days study on the backbone. The Palmer school six months.

Remember that Dr. Palmer is not incarcerated because he has injured anyone, but, because he is curing and healing the afflicted without having spent time and money with the state medical board and medical colleges.

Why has Dr. Palmer been placed behind bars? Because he has discovered the cause of disease and sees fit to teach and practice it. Heretofore symptoms have been

treated by remedies. Chiropractors adjust causes. It is a radical change, so much so that medical men cannot think of tolerating it... (11)

In another "Sunbeam," Palmer's words flowed from his Underwood manual in a passion that might have complimented any other political or religious dissident of the early Twentieth Century. Styling himself as "a man who is ahead of the times, a man who dares to think, even in a cell, where the walls are iron and the floor of the best cement." His incarceration, he said, "would not check the onward march of the science he has discovered."

The elder Palmer had passed his 61st birthday just two weeks before the jury was selected for his trial. One month later he was in jail, reflecting upon his span of life in the solitude that a jail cell can provide. There is reason to believe that DD saw his imprisonment as a time for opportunity by his many rivals on the chiropractic landscape. He knew that Langworthy would not let his Minnesota setback prevent further publishing and scholastic enterprises. Andrew Davis was now a worrisome itinerant, practicing and publishing and teaching in Illinois, Michigan and Texas. (12)

In late March, Willard Carver visited Palmer in his cell, apparently at the behest of BJ, who had wired him in Ottumwa. The meeting was not satisfactory to Old Dad Chiro, who saw that his attorney and friend was giving him advise that he felt amounted in many ways as a surrender to the very forces that he felt had convicted and jailed him. (13)

Palmer was now more of a public figure than before his jailing. The newspaper publicity had brought support from throughout the country and had provided

a small influx of new students at the Palmer School. A "Jailhouse Special" of The Chiropractor had a superimposed image of the old man behind bars, with a full treatment of "Chiropractic Sunbeams" and letters of support filling the March-April 1906 issue.

Yet the downsides of this attention had to be considered, counseled Carver. There would be those ready to bring more prosecution against the Palmers, especially as they had now acquired property up the hill on Brady Street for expansion of the school. Palmer had, as he declared to the press, accepted jail because of his "abundance of principal." Yet by April 21 he had accepted compromise and, as his biographer Vern Gielow said, walked "out of the jail into the sunshine of freedom...(but)

***"As arrests continued
fighting spirit arose."***

a world which now had changed for him and never would be the same for the rest of his life." (14)

One of the new students that had joined the small Palmer student body while its president was serving his sentence was also destined to expand the legal parameters of his chosen profession. Shegetaro Morikubo, newly-arrived from Japan, may in fact have carried more scientific credentials than anyone teaching at the Palmer School at the time. Having acquired his citizenship, the young "Jap" as he was called, quickly expressed his admiration for the benefits of a free society and published these in the Davenport newspapers. On March 6, 1906 the Davenport Democrat reported:

COMES FROM JAPAN TO STUDY.

Shegetaro Morikubo Enrolls at Palmer School of Chiropractic.

Shegetaro Morikubo, Ph. D., has arrived from Japan and is quartered at the Palmer School of Chiropractic where he will take a course with the intention of eventually returning to his native land and engaging in the practice of this science.

Mr. Morikubo is a highly educated gentleman, a graduate of Tokyo University and a master of the English language. In stature he is small like the majority of his race, but he is very wiry and strong, and none of the other students at the institution have attempted to haze this gentleman from the land where jiu jitsu is practiced.

Mr. Morikubo has been carrying on a correspondence with The Palmer School of Chiropractic for many months, and after having all the facts placed before him decided to come to America and to Davenport. He is the second student to come from a foreign country, the other being from Australia.

Morikubo, who was in effect to create the landmark case for courtroom defense of chiropractic for the first quarter century, was also an anonymous contributor to The Founder's illustrations of adjustive technique in his book The Chiropractor's Adjustor. Old Chiro acknowledged him only through his origins: "The Jap receiving a back-set" or "How the Jap got a back set." (15)

The experience with the senior Palmer, and the inevitable discussions which we can surmise followed must have cast an inevitable die for Morikubo, who entered a narrow Midwestern culture which viewed with suspicion anyone

with such obvious racial distinction. Yet he and Palmer shared the same fierce independence and distrust of establishment authority.

Morikubo had an exceptional academic background, unlike the majority of his countrymen who emigrated to America in the first decade of this century.

He said he earned a doctorate from the Tokyo Academy of Science and came to California to continue his studies in pathology at a university which was never listed in subsequent court testimony.

Fluent in German as well as his new country's English, Morikubo went to LaCrosse, where attempts to prohibit practice by Johnson and another Palmer graduate, A. O. Whipple, had been dismissed three years earlier. In March Morikubo was interviewed in two sequels by a LaCrosse newspaper, with political questions being intertwined with those about his background and new healing venture. The subtle racism, riding on a crest of anti-Oriental sentiment and opposition to liberal immigration laws, was apparent. (16)

On July 22 there was little subtlety in the headlines of the LaCrosse Tribune, which had conducted the earlier interviews: JAP CHIROPRACTOR ARRESTED screamed the head on the prominent story, subtitled: "Charged with Practicing Without a License. Jap Will Test State Law." William S. Rehm, who researched the Morikubo case, summarized its media implications:

Now the State was showing an intense interest in Dr. Morikubo. Was this the stuff of a conspiracy or a bizarre coincidence? Did the Tribune intend to create suspicion with its "interview" of Morikubo? The answer became clear as the Tribune now twisted Morikubo's

responses. He appeared to be flatly trapped by his own answers to the double-edged questions two weeks earlier. The Tribune's race-baiting became overt as it characterized Morikubo's reaction to being arrested.

" 'I am an American citizen duly naturalized and insist upon my American rights and liberties,' said the little Jap with flashing eyes to this reporter.' The derogatory term "Jap" was repeated several times in the account (reminiscent of World War II epithets directed against even the most loyal Japanese-Americans). In 1907, the implications of "unlicensed Oriental doctor" were probably irresistible. (17)

What happened next not only rescued Shegetaro Morikubo from his obvious isolation, but also would change the course of chiropractic history.

There was no time to lose. Morikubo's arraignment was imminent. It was necessary to find a lawyer who was sensitive to the particular needs of minorities as well as to obtain both financial backing and expert support to defend chiropractic in the most important legal test of its short history. Help came from Dr. B.J. Palmer, President of the Palmer School of Chiropractic and Secretary-Treasurer of the new Universal Chiropractors Association (UCA).

Tom Morris, the senior partner of the law firm of Morris and Hartwell, was a household name in Wisconsin. An honors graduate of the University of Wisconsin (Madison) Law School in 1899, Morris had served with distinction as the LaCrosse County district attorney from 1900 to 1904, and was currently serving in the legislature, where he was given the principal credit for establishing the country's first teacher's college (1905). Politically, Morris was an ardent "progressive" and a devoted follower of Governor Robert LaFollette. (18)

One of his law partners described him as the 'liberal' member of the firm who, when discussing a particular case, always insisted that the important question at stake was not "What is the law?" but rather "What is right?" Morris had a reputation for opposing what he considered to be selfish interests — the railroads, the rich, and the "stalwarts" of the Republican Party.

While it is inconceivable to accept the notion that "destiny played a hand," Lerner insists that Palmer's choice of an attorney was a spontaneous one from the LaCrosse telephone directory. For whatever reasons Morris was selected, the most important fact is that he was, as the outcome revealed. (19)

Langworthy's *Modernized Chiropractic*, published less than a year earlier, provided two essential keys — a "philosophy" and a definitive technique — that would separate chiropractic from every other system of manipulation.

Using Langworthy's propositions, Morris established at the trial in 1907 that, unlike osteopathy's concern for the circulation of the blood, the chiropractor is primarily concerned with nerve impulses, emanating from the brain to control all body functions; that the brain, not the blood, is the builder of the body. Morris also established that the chiropractic technique of manipulation was a specialized movement or "thrust" (Langworthy's description) that distinguished it from the less specific techniques taught in osteopathy. (20)

Rehm said that "Tom Morris won the case and established for the first time that chiropractic was indeed a separate and distinct school of healing. And while his defense was considered brilliant in a purist sense, it had the effect of both opening up and controlling chiropractic for

years to come. The (philosophy) of chiropractic was now established. B. J. Palmer had begun to use the term in his writings by 1908, and in 1911 revised his first book, *The Science of Chiropractic* (1906) under the title *The Science and Philosophy of Chiropractic*". (21)

After the LaCrosse victory, a consolidation of sorts took place with Tom Morris signing on with his partner, Fred Hartwell, as counsel to the newly-formed Universal Chiropractors Association. The Morris & Hartwell team came to the defense of thousands of chiropractors and established a network of regional attorneys who served as local counsel when arrests were made.

A successor legal defense group, the Chiropractic Health Bureau, took up the cause of militant courtroom defense, urging new chiropractors to enroll as members:

In time of peace prepare for war. Membership in the CHB denotes highest degree of preparation and intelligent action. Be prepared for war. The CHB never advises its members to enter pleas of guilty in criminal actions and OF COURSE it never advises the settlement of a civil action out of Court. (22)

The prosecutions continued in the states where chiropractic legislation was not enacted in the first period of licensure (1913-26) and were especially vehement in California and Texas, populous states which attracted an initial supply of chiropractors. M. L. Stanphill described his early encounter with the law:

In 1918 they sent the deputy sheriff to VanAlstyne from Sherman to my office. He took me to Sherman and I promised that I would quit charging my patients and they let me go. The

patients would just leave their money on a table when they were ready to leave my office. Then the grand jury called me. I went before the grand jury three times. The last time I got up and made a little talk. I stood up and pointed my finger at the men around me. I told them that this was my state the same as it was theirs and if they did take me out of the state I was coming back. So they never did bother me about that any more. (23)

Prosecutions and persecutions were part of the occupational career outlook for newly-graduated chiropractors in years prior to World War I and the slow but relentless legislation efforts in the various states, which began in Kansas in 1913. By far the most dramatic took place in California, which had seen chiropractors on that mixed healing landscape as early as 1902 when D. D. Palmer practiced in Pasadena and later Santa Barbara. D. D. was arrested in 1902 but the complaint was dismissed after a brief hearing in local court.

For better than a decade, culminating in a referendum in 1922 that established and regulated the practice of chiropractic, California became the battleground. "Nowhere was the conflict with medical authorities more intense, nor the prosecution of chiropractors pursued with a more relentless policy," wrote early historian Chittenden Turner in 1931, adding with this flourish:

It is a tale of stratagems and spoils, of political intrigue and reprisal. Attacked on all sides, weakened by defection within the ranks and hundreds sent to prison, only an appeal to the public through the launching of an initiative petition finally won success. Then began a new battle.

Dr. Charles C. Lyon, aged seventy-four, was the first of the Alameda County chiropractors to be arrested

and sent to jail. He served fifty days. Quickly followed the seizure of the three organizers, Dr. Compton, Dr. John A. McCarl and Dr. Linden. Dr. L. D. McCash, being imprisoned on two occasions. Dr. Minnie Leach collapsed in jail after a ten-day hunger strike. Dr. Hazel E. Harper and Dr. Shahzada were arrested and found guilty. Compton and McCarl were acquitted on jury verdicts. Dr. Moses J. Holt, who succeeded Dr. Shahzada, was also taken into custody. (24)

As arrests continued fighting spirit arose. Among the more sensational cases was that of J. E. and Reba I. Willis, of Porterville. On December 8, 1920, their office was ransacked by two investigators, their patients insulted, according to Turner, and they themselves placed under arrest. The local magistrate released them under bond to appear in the superior court, the arraignment occurring January 24, when they were sentenced to 100 days in jail or the payment of \$200.

They chose imprisonment and "said goodbye to their three-year old twin girls at the jail door. It was the first time a mother had been incarcerated and much indignant comment was voiced," Turner continued. Letters came to the jail from foreign countries, "and all told, more than 100,000 pieces of mail are said to have been received by the imprisoned couple," Turner recalled.

In the late fall at Long Beach five chiropractors had been arrested in one day: P. F. Brandt, O. W. Halverson, J. W. Helms, Jeannette Habich and T. P. Overton. So aroused were citizens of the community that 1,200 assembled at a mass meeting.

In other parts of the state the "round-up" continued. Fresno and Bakersfield were scenes of numerous arrests. A

Judge in Bakersfield refused to issue a warrant authorizing the search of chiropractors' offices in Taft. Nevertheless, in 1922, four chiropractors were taken into custody in Taft and arraigned at Bakersfield. When the judge asked the sheriff why there were so few witnesses, in view of the many subpoenas issued, the sheriff said:

Your Honor, the sheriff's office has been unable to catch the witnesses. They hide under beds and run out the back doors. They won't testify against these chiropractors. The Sheriff's office has a lot of important business, so if you want these witnesses you'll have to catch them yourself. (The case was dismissed for lack of evidence.) (25)

If California and Texas were formidable bastions of medical opposition, it remained for New York and Massachusetts to be the bearers of the torch of orthodoxy. The medical and hospital centers of Boston and New York would be understandable sources of hostility. Long-established lobbies in the state capitols would become the front line in what mounted to trench warfare for the chiropractors in those two northeastern states.

Lyndon Lee, a one-time Amherst student, took up chiropractic at the Palmer School and graduated in 1915. He would be the antithesis of the medical stereotype of ex-baggage handlers or barbers as their opponents. When Lee entered the legislative fray he not only held his own but demolished fuming opponents from the medical lobby. This exchange in Albany in 1926 reflected his wit and fervor in defending chiropractic:

A medial society spokesman snarled at Lee: "Yes, we are against you. We are against chiropractic and all other fakers. If this legislature will give us this bill, we will drive you

and your ilk out of this state! What do you think about that?" "First, sir," Lee responded, "I'd like to see your driver's license." (26)

The 1920s produced two towering political figures in the Democratic party which would have a disappointing role for organized chiropractic and its efforts to seek legislation. Al Smith, the 1928 Democratic presidential candidate and Franklin D. Roosevelt, who would win in 1932 and usher in the New Deal decades, were both New York governors in the critical 1920s when chiropractors almost obtained status in the Empire State.



Figure 1. "Mack" Scallon - PSC Recoil October 1926. (Courtesy, Archives David D. Palmer Health Sciences Library)

Historian J. Stuart Moore found that "in 1924, the State Chiropractic Society had purposely avoided taking sides in the Democratic gubernatorial race between Franklin Roosevelt and Al Smith because they believed that chiropractic influence could not alter the result and would only make an enemy of the candidate they opposed. The Society had expected that Roosevelt's prior Assembly record against chiropractic

legislation would mean that chances with Smith "would be much better" than with Roosevelt. Smith instead became a sore disappointment." (27)

Smith vetoed the first successful chiropractic bill in the Legislature in 1926. The Roosevelt administration also brought dissatisfaction, as expected. During FDR's term as governor from 1929 to 1933, chiropractic bills failed each year except 1932 when, for the first time since the legislative attempt began in 1913, no bill was introduced. Chiropractors in the state also met an intensified effort at courtroom prosecution during the late twenties and early thirties. It would be a half century struggle, with the first Chiropractic law signed in 1963.

The all-time record for arrests - sixty-six times - held by Charles C. Lemly (1892-1970), a former pharmacist and co-owner with his brother of a chiropractic sanitarium in Waco, Texas. After his fellow Texan, Paul Meyers of Wichita Falls, was arrested for the tenth time, a parade with a band, many chiropractors, "patients and friends, and local celebrities," arraigned in honor of his release, so impressed the authorities that "he was never bothered again." (28) Willard Carver was arrested for being in contempt of the Oklahoma Senate in 1917 after publishing a newspaper article titled: "Was the Oklahoma Senate Bought?" Figures 1-6 show several individuals who were sent to jail.

By 1927 the UCA had defended chiropractors for practicing medicine without a license in 3300 court cases. A medical critic, Arthur Geiger wrote:

During the cult's first thirty years more than 15,000 prosecutions against chiropractors are said to have occurred...Only about a fifth of the thousands of such actions have produced convictions. There is ample evidence, moreover, that the

punishment has sometimes hurt its administrators more than the recipients...Ohio, for instance, once...locked up 200 chiropractors at a clip. Result: so much sympathy was stirred up on the prisoners' behalf that the state promptly licensed them. (29)

Massachusetts followed a different path of overt opposition to chiropractors, with arrests being a regular routine for the pioneer practitioners who entered the state.

By 1912, at least two chiropractors were practicing in Massachusetts. As in other states, organized medicine opposed the practice of chiropractic as



Figure 2. Katherine "Kitty" Scallon - PSC Recoil October 1926. (Courtesy, Archives David D. Palmer Health Sciences Library)

the unauthorized practice of medicine. In 1915, the Massachusetts Supreme Judicial Court upheld J. O. Zimmerman's conviction for practicing medicine without a license. Its landmark decision, that the practice of chiropractic is the practice of medicine, often cited in other states, severely handicapped the developing profession in Massachusetts and elsewhere. The



Figure 3. F.V. Logic in jail circa 1923. (Courtesy, Archives David D. Palmer Health Sciences Library)

Massachusetts Chiropractic Association made strenuous efforts to obtain a licensing law which were thwarted for over half a century until a suitable law was finally obtained in 1966. (30)

According to Wardwell, in the 50-year intervening period individual chiropractors continued to be arrested and fined for practicing medicine without a license. Nevertheless, organized medi-

cine was not successful in eliminating chiropractic or inhibiting its growth in the state. During most of the period an estimated 200 to 300 chiropractors practiced in the state and continued to gain patient acceptance and public recognition."

In Los Angeles Harry Gallagher, who would later author an early history of Chiropractic in 1930, "was arrested twenty-seven times between 1914 and 1919. He was the only chiropractor who succeeded in remaining in the state for such a period of time" according to Turner.

The Reverend Emil Meyer of Sacramento wrote in *The California Telegram* of April 27, 1922: "To our knowledge not one accusation, as a matter of record in California, has been brought against any chiropractor by any patient. Charges and convictions were based upon decoy evidence. ...If chiropractic is criminal, is it not a crime to incite the practice of chiropractic?" (31)

As with so many other movements which flourished outside of the mainstream of the American social fabric, chiropractors found that their role as



Figure 4. J. Fred Courtney in Los Angeles County Jail - February 1921. (Courtesy, Archives David D. Palmer Health Sciences Library)



Figure 5. Franklin Lear in Warren, Ohio jail circa 1920's. (Courtesy, Archives David D. Palmer Health Sciences Library)

an underdog brought them favor with large constituencies of "common people," outside of the establishmentary layers of politics, government, academic and medial authority. The populist strain of distrust of many of these forms of authority were evident in the years of chiropractic survival and growth, which paralleled the first third of this century.

Tolerance and mild acceptance would come only after federal agencies acknowledged chiropractic as a reality in the health care field and among educational institutions. That acceptance, however, was not to come until the doors of countless jailhouses, county lockups, and prison farms were to close on the practitioners of the last surviving reform school of healing.

Since the trial, conviction, and imprisonment of D. D. Palmer for "practicing medicine without a license" in Scott County, Iowa in 1906, thousands would face the courts on the same charge, and hundreds would go to jail. The Chiropractor and Clinical Journal through most of the 1920s and into the 1930s carried a monthly page of the "Crusaders"—those D.C.'s who had

been convicted and were serving time, asking readers to write them at their prison addresses. (32)

One Ohio chiropractor, Herbert R. Reaver of Cincinnati, would in time accept the dubious distinction of being "the most arrested, most jailed chiropractor" in the United States. He was in that limbo of practitioners who were "unlicensed" in a state whose medical board sought to regulate all "drugless physicians" under a category that retained their dominance under a 1915 law. Reaver, a 1928 PSC graduate, refused to comply and served several sentences in the 1930s and through 1943, sometimes on a road gang.

When one judge announced that if Reaver were to appear before him again he would be prosecuted as "a habitual criminal" with a resultant stiffer penalty, Reaver moved to Florida, an event which was noticed by Time magazine in 1941. (33)

Did "going to jail for chiro" advance the cause of the harassed profession in its desperate years between the start of the 30s and the end of World War II? Depleted of its graduates due to the scaled-down activities of its leading schools, denied access in many of the states where Basic Science legislation had effectively dried up their numbers and faced with continued prosecution in large population states as New York, Texas and Massachusetts through the 1940-50 decades, chiropractic's future appeared bleak.

Yet the "persecution and prosecution" syndrome appeared to give its diminished ranks more strength, the reaction of many an oppressed minority in the face of prosecution.

If not the tarnished image of The Developer in Davenport, then the courage and integrity of individual chiropractors who stood at the bar in the

courtroom to receive their sentence gave it strength. It was no coincidence that the hymn "Stout Hearted Men" was a favorite of concluding sessions and dinners at the annual conclave of the National Chiropractic Association in the depression decade.

On January 23, 1932, more than 16,500 people jammed Madison Square Garden to give honor to one chiropractor who symbolized the struggle. It was not B. J. Palmer (indeed, he had declined to participate in the activities) that was honored in speeches and ringing applause, but William H. Werner, (1890-1959) a Long island



Figure 6. Dr. Mildred Greveling in jail circa 1920's. (Courtesy, Archives David D. Palmer Health Sciences Library)

practitioner who had founded the most successful laymen's support movement, the American Bureau of Chiropractic (ABC) (34)

Werner had completed a six-month jail term for the familiar "practicing medicine without a license," and was to advance the cause of his profession in his "open" state for another 27 years. The Madison Square Garden rally, addressed by Edward Lodge Curran, the eastern representative of the right wing, populist Father Charles Coughlin and "Happy" Chandler one-time Tennessee lieutenant governor and later Baseball Commissioner, was an event "with

more people assembled for chiropractic" than any other in its history.

Tom Morris, whose own political career was put on hold about the time he entered the fray as a chiropractic Clarence Darrow, would establish the "separate but equal" concept that enabled chiropractic to survive the limbo years of initial legislation coupled with non-recognition. Said Rehm of his contribution:

Tom Morris achieved for chiropractic what no one else could have done at the time — actions and decisions that, perhaps, saved a profession. He may be regarded as the unknown sentinel of chiropractic. (35)

The writer well recalls a dining room conversation in 1949, in which the saga of the last of the "jailhouse martyrs" was being played out in New York State. For that year a well-known Manhattan husband-and-wife team—whose patients included the late Ambassador Joseph Kennedy—were sent to jail after their refusal to tell the court they would "desist in the practice of medicine without a license." From the Women's House of Detention (one of the worst places of incarceration in that state) Katherine (Kitty) Scallon (Fig. 2) would write a friend of her concern for her husband, Mack Scallon (Fig. 1), who was serving his time on Hart's Island:

Being here is sometimes like a bad dream, when you think of it being for nothing but doing good...I felt down-hearted when the news came that Mabel (Palmer) died, but I would always perk up when I thought of chiropractic and the many people it had helped...and then I'd throw my shoulders back and be ready and willing to make any sacrifice to help free our beloved science. (36)

Sociologists and even psychologists may write of the chiropractic experience as one of marginal presence moving toward greater mainstream acceptance. Other observers, however, have seen the phenomenon of health providers willing to go to jail for their calling as unique in the American experience.

"Going to jail for chiro" may well have been the glue that held together a disparate, feuding and generally ill-equipped band of practitioners through the "starvation period" of the mid-century of its existence.

REFERENCES

1. See Cyrus Lerner, Report on the History of Chiropractic, Vol. VI, page 575.
2. See Verne Gielow, Old Dad Chiro, page 97. The final delay was granted on Dec. 14, 1905, just three months before the conviction of D. D.
3. Both Gielow (page 107) and Lerner (Vol. VI, page 576) suggest that Con Murphys's "Constitutional" approach and not placing DD on the stand was poor courtroom tactical judgement.
4. The bill of indictment is in the 1906 court records for Scott County, Iowa. Gielow uses much of their language in pages 103-08.
5. Why the Prosecution chose to depreciate the Palmer journal, The Chiropractor, by referring to the periodical as "a circular," is not apparent. By 1906 the journal was a well established bi-monthly with an average publication of 64 pages each issue.
6. The statement of the senior Palmer to the court is found in The Chiropractor, Vol. 3, No. 4, April 1906.
7. Ibid., page 15. Palmer was in error in stating that "osteopathy had existed 47 years before it was recognized by a single state." Still claimed to have launched osteopathy in 1874 (although he did not start the American School until 1892) and Vermont became the first state to legislate it is 1897, a 23-year span.
8. See Palmer's statement in Gielow, page 104.
9. The Palmer-Langworthy correspondence is repeated in B. J. Palmer, Fight to Climb, Palmer School, 1950, Chapter 35.
10. Ibid., page 345.
11. Gielow, page 111.
12. While the senior Palmer never wrote of his adversaries such as Langworthy and Davis as serious competition, he was aware that they came with prior publishing histories and were adept in marketing their versions of chiropractic to the public.
13. The tactic suggested by Carver was in fact utilized by BJ in the interim between his father's departure from Davenport, with M. P. Brown assuming the medical director role at the PSC. Other schools emulated the practice, with many finding that the "medical presence" soon became the dominant factor. See Gibbons in Bulletin of the History of Medicine, 55:2, 1981, page 236.
14. See Gielow, page 114.
15. Gaucher (1994, NCC Books) points out that the senior Palmer was not a racist in his relationship with Harvey Lillard. Yet in The Chiropractor's Adjuster, he gives no recognition to Morikubo as an individual, but refers to him as the "The Jap" in three of the four full page plate captions on adjustive technique (Palmer, 1910, facing pages 898, 902 and 908).
16. The Morikubo story was told in B.B. Mawhiney, Chiropractic in Wisconsin, 1984, pages 33-34.

17. The Rehm research is found in *Chiropractic History*, Vol. 6, pages 51-55. The significance of the Morikubo trial was stressed by Lerner, Vol. VI, pages 594-595.
18. Rehm, *ibid.*, page 53.
19. Lerner, *ibid.*, page 595.
20. Rehm, *ibid.*, page 52. The Langworthy concept was outlined in *Chiropractic History* by Gibbons, Vol. 1, pages 15-21.
21. Palmer discusses the evolution of his 1906 book and the 1910 *Science of Chiropractic* with B. J. on pages 913-915 of *The Chiropractor's Adjuster*.
22. Several of the Chiropractic Health Bureau advertisements are in the Palmer Archives at the D. D. Palmer Health Sciences Library. This one is reproduced in the 50th anniversary commemorative book of the International Chiropractors Association in 1986, page 11.
23. See Turner, *The Rise of Chiropractic*, page 131.
24. Turner, *ibid.*, page 128.
25. Turner, *ibid.*, page 133.
26. J. Stuart Moore in *Chiropractic History*, 12:1, June 1992.
27. Moore, *ibid.*, 1992.
28. Walter R. Rhodes, *History of Chiropractic in Texas*, 1978, page 67.
29. See Arthur Geiger in *Medical Economics*, April 1942.
30. Walter Wardwell in *Chiropractic History*, Vol. 2, pages 55-65.
31. Cited in Turner, *ibid.*, page 136.
32. See *The Chiropractor and Clinical Journal*, especially Vol. 20, 1924 and Vol. 23, 1927.
33. Herbert Reaver, "Most Arrested Chiropractor," *Chiropractic Leaders*, April 1990.
34. See Dean M. Lombardo, *Chiropractic History*, 10:1, June 1990, page 25.